

HOUSE BILL No. 1218

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-7.5-1-11.

Synopsis: Unfair labor practices. Authorizes the Indiana education employment relations board to issue certain orders and impose certain requirements on a person who commits an unfair practice.

Effective: July 1, 1999.

Stilwell

January 11, 1999, read first time and referred to Committee on Labor and Employment.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1218

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-7.5-1-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) Unfair practices
3 shall be remediable in the manner provided in this section. Any school
4 employer or any school employee who believes he is aggrieved by an
5 unfair practice may file a complaint under oath to such effect, setting
6 out a summary of the facts involved and specifying the section of this
7 chapter alleged to have been violated.

8 (b) ~~Thereafter,~~ The board shall give notice to the person or
9 organization against whom the complaint is directed and shall
10 determine the matter raised in the complaint, and appeals may be taken
11 in accordance with IC 4-21.5-3.

12 (c) Testimony may be taken and findings and conclusions may be
13 made by a hearing examiner or **an** agent of the board who may be a
14 member ~~thereof~~. **of the board.**

15 (d) The board, but not a hearing examiner or **an** agent ~~thereof~~, **of**
16 **the board**, may enter ~~such an~~ interlocutory ~~orders~~ **order** after
17 summary hearing as it ~~deems necessary in carrying to carry~~ out the

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intent of this chapter.

(e) If, at the conclusion of the hearing, the board, hearing examiner, or agent of the board determines, based on a preponderance of the evidence admitted at the hearing, that the person named in the complaint has engaged in an unfair practice under section 7 of this chapter, the board:

(1) shall:

- (A) state its findings of fact and conclusions of law; and
- (B) issue an order requiring the person to cease the unfair practice; and

(2) may:

- (A) take other appropriate action, including ordering the reinstatement with back pay of an employee; and
- (B) require the person who has engaged in the unfair practice to report to the board concerning compliance with the board's order.

(f) If, at the conclusion of the hearing, the board, hearing examiner, or agent of the board determines, based on a preponderance of the evidence admitted at the hearing, that the person named in the complaint has not engaged in an unfair practice under section 7 of this chapter, the board shall:

- (1) state its findings of fact and conclusions of law; and
- (2) dismiss the complaint.

(g) If, at the conclusion of the hearing, the board, hearing examiner, or agent of the board determines that an employee was dismissed or suspended for cause, an order reinstating the employee or awarding the employee back pay may not be issued.

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